

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MERCK & CO., INC., :
Plaintiff, :
v. : Civil Action No. 04-939-JJF
TEVA PHARMACEUTICALS :
U.S.A., INC., :
Defendant. :

THE PROCTOR & GAMBLE COMPANY, :
Plaintiff, :
v. : Civil Action No. 04-940-JJF
TEVA PHARMACEUTICALS :
U.S.A., INC., :
Defendant. :

O R D E R

WHEREAS, on May 5, 2005, the Court entered an Order declining to consolidate cases 04-cv-939 and 04-cv-940 (D.I. 17 in 04-939; D.I. 22 in 04-940);

WHEREAS, Defendant filed a Request For Reconsideration Of The Court's Order Of May 5, 2005, Declining Consolidation (D.I. 19 in 04-939; D.I. 24 in 04-940) contending that, because neither action is a jury case, the Court erred in basing its decision on the potential for jury confusion;

WHEREAS, as argued the Plaintiffs in each case, the Court's decision was not based only on the potential for jury confusion, but also on the presence of differing factual and legal issues;

NOW THEREFORE, IT IS HEREBY ORDERED that Defendant's Request For Reconsideration Of The Court's Order Of May 5, 2005, Declining Consolidation (D.I. 19 in 04-939; D.I. 24 in 04-940) is **DENIED**.

June 6, 2005
DATE

Joseph J. Farnan Jr.
UNITED STATES DISTRICT JUDGE